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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 CODY WILLIAM CLARK,

14 CASE NO: 2:23-cv-01326-RBF-VCF

15 Plaintiff,

16 vs.

17 STATE FARM MUTUAL AUTOMOBILE
18 INSURANCE COMPANY, DOE OWNERS
19 I-V, DOE DRIVERS I-V, ROE EMPLOYERS
20 I-X, and ROE COMPANIES I-X,

21 **STIPULATED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

22 **SPECIAL SCHEDULING REVIEW**

23 Defendants.

24 COMES NOW Plaintiff CODY WILLIAM CLARK by and through his counsel, JOSHUA P.
25 BERRETT, ESQ., of the law firm BIGHORN LAW and Defendant STATE FARM MUTUAL
26 AUTOMOBILE INSURANCE COMPANY, by and through its counsel, RENEE M. FINCH, ESQ.
27 and M. CALEB MEYER, ESQ. of the law firm MESSNER REEVES, LLP, and hereby submit this
28 Stipulated Discovery Plan and Scheduling Order.

29 **Fed.R.Civ.P. 26(f) Conference:**

30 Counsel for the parties participated in a Rule 26 Discovery Conference on October 10, 2023. The
31 conference was attended by Joshua P. Berrett, Esq. for Plaintiff and Jaclyn M. Kliewer, Esq. for Defendant.
32 At the conference, there were no discovery disputes at that time. The parties agree to exchange their
33 disclosure statements in a timely manner. Counsel are requesting nine months to complete discovery
34 and be prepared for trial. More specifically, counsel request 270 days from the date of removal to
35 complete discovery. The parties are requesting a longer period to conduct discovery in order to

1 accommodate the fact that there will need to be discovery of non-parties, and counsel for the parties
2 have demanding schedules already, especially with the upcoming holidays, so more time is anticipated
3 to schedule and conduct the necessary discovery in this matter.

4 Based upon the above, the parties request nine months for discovery under the discovery schedule
5 set forth below:

6 1. **Discovery Cut-Off Date:** The parties are requesting 270 days for discovery from August
7 25, 2023, the date of removal. Thus, the parties request a discovery cut-off date of **May 21, 2024** – 270
8 days after removal.

9 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to
10 amend the pleadings or to add parties be filed no later than **February 21, 2024** – 90 days prior to the
11 proposed close of discovery.

12 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of
13 experts be made on or before **March 22, 2024** – 60 days before the proposed discovery cut-off date.
14 Disclosure of rebuttal experts shall be made by **April 22, 2024** - 31 days after the initial disclosure of
15 experts.

16 4. **Interim Status Report:** Under recent changes in the rules, the parties will not file an
17 interim status report previously required by LR 26-3.

18 5. **Dispositive Motions:** The date of filing dispositive motions shall be no later than **June
19 20, 2024**, - 31 days after the proposed discovery cut-off date. In the event that the discovery period is
20 extended from the discovery cut-off date set forth in this proposed Discovery Plan and Scheduling Order,
21 the date for filing dispositive motions shall be extended to be not later than 30 days from the subsequent
22 discovery cut-off date.

23 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than **July 19,
24 2024**, - 29 days after the cut-off date of filing dispositive motions. In the event that dispositive motions
25 are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the
26 dispositive motions or until further order of the court. In the further event that the discovery period is
27 extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date

1 for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this
2 paragraph.

3 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.C.P. 26(a)(3), and
4 any objections thereto, shall be included in the joint pretrial order.

5 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
6 conferred about the possibility of using alternative dispute resolution including mediation, arbitration
7 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be effective
8 at this time as the parties and their counsel believe that it is necessary to conduct discovery before
9 attempting to resolve this case. Counsel further agree that a settlement conference or private mediation
10 may be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in
11 submitting this case to arbitration, at this time.

12 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed
13 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed.R.Civ.P. 73 and
14 at present do not consent to either alternative form of case disposition.

15 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use
16 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format
17 compatible with the Court's electronic jury evidence display system. At present, the parties have not
18 agreed upon any stipulations regarding use of electronic evidence but will address this issue again in the
19 Pre Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be no later than 21 days before the subject deadline. Request to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 16th day of October, 2023.

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ORDER

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE
DATED: 10-16-2023